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OCT 28 2004

In re Application of	:	OFFICE OF PETITIONS
Christian Viskov	:	
Application No. 09/742,008	:	DECISION ON PETITION
Filed: December 22, 2000	:	
Atty Docket No. 03806.0488-00000	:	

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)," filed June 17, 2004.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional petition fee is required.

The above-identified application became abandoned for failure to timely file a proper response to the Restriction Requirement mailed June 25, 2003. This Notice set a thirty-day time limit for reply. No extensions of time to reply under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 26, 2003. A Notice of Abandonment was mailed on March 12, 2004.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action or notice, unless previously filed;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (3) above.

Given the circumstances of the abandonment, as set forth on petition, further information is required before a conclusion that the delay was unintentional can be reached. Specifically, petitioner indicates that there was a misunderstanding between applicant and their attorneys as to a letter of general instruction and that there was never any intention on behalf of the applicant to abandon the application. However, in support thereof, petitioner submits neither the referenced letter of instruction or the letter clearly stating the misunderstanding. It is requested that petitioner provide copies of the relevant letters to support a conclusion that the delay was unintentional within the meaning of § 1.137(b).

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand: Effective June 5, 2004, patent correspondence delivered by hand or delivery services, other than the USPS, to the Customer Window must be addressed as follows:

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Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions